

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**APPARATUS AND METHOD TO PROVIDE FAILOVER PROTECTION
TO A DATA STORAGE AND RETRIEVAL SYSTEM**

the specification of which (check one)

is attached hereto.

was filed on _____

as Application Serial No. _____

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

None

(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION TUC920010117US1
Page 2 of 3

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Dale F. Regelman	(#45,625)	Jean M. Barkley	(#39,541)
Robert M. Sullivan	(#39,391)	Randall J. Bluestone	(#40,518)
Paik Saber	(#37,494)	Esther E. Klein	(#34,337)
Robert B. Martin	(#26,945)	Abdy Raissinia	(#38,686)
Douglas R. Millett	(#31,784)	Edward A. Pennington	(#32,588)
John E. Hoel	(#26,279)	Christopher A. Hughes	(#26,914)
Joseph C. Redmond	(#18,753)		

Send correspondence to:

Dale F. Regelman
Hayes Soloway P.C.
130 W. Cushing Street
Tucson, AZ 85701

Direct Telephone Calls to:

Dale F. Regelman
(520) 882-7623

Full name of sole or FIRST joint-inventor: Kamal Emile Dimitri

Inventor's signature: *Kamal Emile Dimitri*

Date: 02/28/02

Residence: 5420 Placita Hayuco, Tucson, Arizona 85718

Citizenship: United States of America

Post Office Address: Same

Full name of sole or SECOND joint-inventor: John Edward Kulakowski

Inventor's signature: *John Edward Kulakowski*

Date: 02/28/02

Residence: 7541 E. Knollwood Place, Tucson, Arizona 85750

Citizenship: United States of America

Post Office Address: Same

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

TUC920010117US1

Page 3 of 3

Full name of sole or THIRD joint-inventor: Rodney Jerome Means

Inventor's signature: Rodney Jerome Means

Date: 2/28/02

Residence: 6988 E. Calle Cerca, Tucson, Arizona 85715

Citizenship: United States of America

Post Office Address: Same

SEARCHED
INDEXED
MAILED
FILED
RECEIVED
FEB 28 2002
U.S. PATENT AND TRADEMARK OFFICE